

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTEENTH DAY — WEDNESDAY, FEBRUARY 12, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 19).

Present — Mr. Speaker; Alexander; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Allen; Nixon; Rodriguez; Telford.

The invocation was offered by Dr. Charles D. Walton, pastor, First Baptist Church of Conroe, Conroe, as follows:

Heavenly Father, as we assemble today to be about the business of our cherished state, we humbly and sincerely seek your divine guidance. Because the decisions made in this historic chamber affect so many lives, we need wisdom beyond our own. We recognize we find this wisdom in prayer and in your word.

Perhaps we will be tempted, today, to forget the noble purposes which bring us together. Help us to be greater than our individual agendas. May we remember we serve the entire state.

Thank you for the men and women who have become leaders in this place. We ask your special blessings upon them. May they continue to give us direction under your watchful eye.

The people of this bountiful state have given this body 140 days to provide needed legislation for all of us. Help us, Lord, to remember we are responsible and accountable to you and to them.

Thank you for raising up men and women in this house who have vision, character, and courage. We need such people. Give strength to individual legislators who feel overwhelmed by their tasks. Help us to remember you will never leave us nor forsake us.

Finally Lord, be with the families of the legislators who, by necessity, are now separated from them. Thank you for their sacrifices. Bless and keep them during these days of service to our state.

Y, Señor, favor de perdonarnos nuestras ofensas en igual manera que perdonamos a los que nos ofendan.

In your holy name we pray. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Rodriguez on motion of Kubiak.

Telford on motion of Keel.

The following member was granted leave of absence for today because of legislative business in Washington, D.C.:

Allen on motion of Hightower.

The following member was granted leave of absence for today because of illness:

Nixon on motion of Solomons.

CAPITOL PHYSICIAN

The speaker recognized Representative Kuempel who presented Dr. Stanley M. Woodward of New Braunfels as the "Doctor for the Day."

The house welcomed Dr. Woodward and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 127 - ADOPTED (by Christian)

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 127**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 127, Congratulating Representative Sue Palmer and Mr. Duke Palmer on the occasion of their 10th wedding anniversary.

HR 127 was read and was adopted without objection.

On motion of Representative Madden, the names of all the members of the house were added to **HR 127** as signers thereof.

(Stiles in the chair)

HCR 57 - ADOPTED
(by Zbranek)

Representative Zbranek moved to suspend all necessary rules to take up and consider at this time **HCR 57**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 57, Recognizing February 12, 1997, as Chambers County Day at the Capitol.

HCR 57 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Zbranek, who introduced a delegation from Chambers County: Oscar F. Nelson, county judge; Mark Huddleston, county commissioner; Jimmy Sylvia, county commissioner; and Carroll Wilborn, district judge.

HR 120 - ADOPTED
(by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 120**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 120, Congratulating Binglee Shiu and the members of the Memorial High School Sinfonia String Orchestra on being named the 1996-1997 High School String Honor Orchestra of Texas.

HR 120 was adopted without objection.

RULES SUSPENDED

Representative Hightower moved to suspend the 5-day posting rule to allow the Committee on Corrections to consider **HB 52**.

The motion prevailed without objection.

(Speaker in the chair)

PROVIDING FOR ADJOURNMENT

Representative Dutton moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before

the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:40 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 1129 (by Maxey and Dukes), Relating to the transfer of credit for certain junior college courses to other institutions of higher education.

To Higher Education.

HB 1130 (by Maxey), Relating to the accrual of sick leave by educators at the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf.

To Public Education.

HB 1131 (by Puente, et al.), Relating to the creation by the attorney general of an environmental hotline.

To Environmental Regulation.

HB 1132 (by Puente, et al.), Relating to creating the Office of Natural Resource Public Interest Counsel; creating a criminal penalty.

To State Affairs.

HB 1133 (by Dukes), Relating to certain reporting requirements for the Texas Natural Resource Conservation Commission.

To Environmental Regulation.

HB 1134 (by Kubiak, Stiles, Merritt, Hightower, Place, et al.), Relating to retirement benefits payable for service as a district or criminal district attorney.

To Pensions & Investments.

HB 1135 (by Kubiak), Relating to the fees required of certain persons who practice public accountancy.

To Licensing & Administrative Procedures.

HB 1136 (by Uher), Relating to the creation of a statutory county court in Matagorda County.

To Judicial Affairs.

HB 1137 (by Uher), Relating to the requirement that the holder of a discharged lien on a motor vehicle execute the discharge of the lien.

To Transportation.

HB 1138 (by Puente), Relating to the use of neighborhood associations in the enforcement of certain municipal health and safety ordinances.
To Urban Affairs.

HB 1139 (by Maxey), Relating to participation by libraries in distance learning and by librarians on the Telecommunications Infrastructure Fund Board.
To State Affairs.

HB 1140 (by Walker), Relating to academic testing of students in proprietary schools.
To Higher Education.

HB 1141 (by Dutton), Relating to termination of employment requirements regarding certain employees; providing a civil penalty.
To Economic Development.

HB 1142 (by Patterson), Relating to the determination of the inmate population of a county jail.
To County Affairs.

HB 1143 (by Patterson), Relating to the creation of the County Court at Law of Lamar County.
To Judicial Affairs.

HB 1144 (by B. Turner, et al.), Relating to the consolidation of herbicide, pesticide, and agricultural workplace chemical laws under the jurisdiction of the Department of Agriculture.
To Environmental Regulation.

HB 1145 (by B. Turner), Relating to labeling of bison and buffalo products and to the exemption from ad valorem taxation of bison; providing a criminal penalty.
To Agriculture & Livestock.

HB 1146 (by Greenberg), Relating to the use of alternative dispute resolution procedures by state agencies.
To State Affairs.

HB 1147 (by Coleman, Maxey, and Davis), Relating to authorizing the comptroller to provide assistance to local governments in obtaining funds from the federal government.
To Ways & Means.

HB 1148 (by Gallego, Crabb, Junell, Uher, and Gray), Relating to the state's procurement of goods and services and to the state's contract management activities.
To State Affairs.

HB 1149 (by S. Turner), Relating to formation of certain professional associations.
To Public Health.

HB 1150 (by Greenberg, et al.), Relating to the notification of school personnel of the arrest or detention of a student and any subsequent disposition of that arrest or detention.
To Juvenile Justice & Family Issues.

HB 1151 (by Greenberg, Hirschi, and Delisi), Relating to the operation of personal watercraft.

To State Recreational Resources.

HB 1152 (by Hartnett and Naishtat), Relating to the definition of statutory probate court.

To Judicial Affairs.

HB 1153 (by Wise), Relating to the powers and duties of the missing children and missing persons information clearinghouse.

To Public Safety.

HB 1154 (by Hightower), Relating to the purchase by the Texas Water Development Board of certain bonds or other obligations issued by a political subdivision.

To Natural Resources.

HB 1155 (by Hightower), Relating to the continuation and functions of the Criminal Justice Policy Council.

To Corrections.

HB 1156 (by Goolsby), Relating to parental consent to body piercing; imposing a criminal penalty.

To Business & Industry.

HB 1157 (by Hartnett and Naishtat), Relating to the transfer of certain proceedings to a statutory probate court.

To Judicial Affairs.

HB 1158 (by Olivo, Coleman, Cuellar, Greenberg, and Naishtat), Relating to the continuation of the school child care services program.

To Economic Development.

HB 1159 (by Bosse, Naishtat, Ehrhardt, et al.), Relating to public participation in the Texas Natural Resource Conservation Commission's processes for granting authorizations and other contested cases.

To Natural Resources.

HB 1160 (by Denny), Relating to revocation or amendment of a certificate of public convenience and necessity of a water or sewer utility.

To Natural Resources.

HB 1161 (by Clark), Relating to uniform competitive bidding requirements for municipalities.

To Urban Affairs.

HB 1162 (by Driver), Relating to the licensure of a hospital with multiple premises under a single license and the provision of certain services by licensed hospitals.

To Public Health.

HB 1163 (by Madden), Relating to notification to parents of an application by a school campus or district for waiver of a requirement, restriction, or prohibition concerning public education.

To Public Education.

HB 1164 (by Wise), Relating to a school district program to notify parents of a student's absence.

To Public Education.

HB 1165 (by Serna and Yarbrough), Relating to fire and police employee relations in certain political subdivisions.

To County Affairs.

HB 1166 (by Garcia), Relating to municipal regulations concerning insurance for taxicabs.

To Urban Affairs.

HB 1167 (by Greenberg), Relating to dyslexia coordinators for school districts and regional education service centers.

To Public Education.

HB 1168 (by Greenberg), Relating to the Texas Manufacturing Institute.

To Business & Industry.

HB 1169 (by Madden), Relating to the taxable value of property in certain school districts.

To Revenue & Public Education Funding, Select.

HB 1170 (by Smithee), Relating to certain nursing homes for purposes of professional liability insurance coverage.

To Insurance.

HCR 67 (by B. Turner), Requesting the Texas Department of Transportation to erect highway signs indicating exits and directions to federal and state veterans' hospitals, clinics, and cemeteries.

To State, Federal, & International Relations.

HCR 75 (by Telford), Commending the senior class of Redwater High School on their participation in the Dads Against Drugs in Schools program.

To Rules and Resolutions.

HJR 10 (by Culberson), Proposing a constitutional amendment relating to the support and maintenance and an efficient system of public schools.

To Revenue & Public Education Funding, Select.

HR 121 (by Moffat), Congratulating the Grapevine High School Mustangs on winning the 1996 UIL Class 4-A, Division 1 football championship.

To Rules & Resolutions.

HR 125 (by Christian), Honoring Dr. C. T. "Pete" McGuire.

To Rules & Resolutions.

HR 126 (by Wise, et al.), Honoring U.S. Congressman Ruben Hinojosa.

To Rules & Resolutions.

SB 35 to Criminal Jurisprudence.

SB 205 to County Affairs.

SCR 17 to Rules & Resolutions.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Wednesday, February 12, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 60 Hinojosa SPONSOR: Lucio, Jr.
Declaring February 11, 1997, as Edinburg Day at the Capitol.

SB 148 Bivins
Relating to the recommendation, development, and adoption of certain curricula by certain institutions of higher education and the Texas Higher Education Coordinating Board.

SB 187 Madla
Relating to the allocation of money in the law enforcement officer standards and education account to local law enforcement agencies.

SB 232 Carona
Relating to an optional majority vote requirement for election of trustees in certain independent school districts.

SB 245 Harris
Relating to implementation of a school uniform policy at a public school.

SCR 18 Lucio
Recognizing the 60th anniversary of the City of Brownsville's celebration of Charro Days.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

**PERMANENT HOUSE COMMITTEE SCHEDULE
75th Legislature****MONDAY**

8:00 a.m.

Appropriations
Appropriations Subcommittees

E1.030
Reagan Bldg. 101

		Reagan Bldg. 103
		Reagan Bldg. 104
		Reagan Bldg. 106
10:30 a.m./Adjournment	Financial Institutions	E1.010
	Insurance	E2.026
	Human Services	E2.012
	Licensing and Administrative Procedures	E2.016
2:00 p.m.	Land and Resource Management	E2.028
	State Affairs	E2.010
3:00 p.m.	Transportation	E2.030
4:00 p.m.	Public Safety	E2.014
	Calendars	Speakers Committee Room

TUESDAY

8:00 a.m.	Appropriations	E1.030
	Appropriations Subcommittees	Reagan Bldg. 101
		Reagan Bldg. 103
		Reagan Bldg. 104
		Reagan Bldg. 106
	Agriculture and Livestock	E2.010
	Pensions and Investments	E1.010
	State, Federal and International Relations	E1.014
10:30 a.m./Adjournment	Economic Development	E2.030
	Energy	E2.026
2:00 p.m.	Public Education	E2.036
	Environmental Regulation	E1.026
	Elections	E2.014
4:00 p.m.	Higher Education	E2.016
	Civil Practices	E2.028
	Urban Affairs	E2.012
	Calendars	Speakers Committee Room

WEDNESDAY

8:00 a.m.	Appropriations	E1.030
	Appropriations Subcommittees	Reagan Bldg. 101
		Reagan Bldg. 103
		Reagan Bldg. 104
		Reagan Bldg. 106

	County Affairs	E2.030
	State Recreational Resources	E2.028
10:30 a.m./Adjournment	Juvenile Justice and Family Issues	E1.026
	Public Health	E2.026
	Corrections	E1.010
2:00 p.m.	Criminal Jurisprudence	E1.014
	Judicial Affairs	E2.016
	Business and Industry	E2.014
3:00 p.m.	Natural Resources	E2.010
4:00 p.m.	Ways and Means	E2.012
	Calendars	Speakers Committee Room

THURSDAY

8:00 a.m.	Appropriations	E1.030
	Appropriations Subcommittees	Reagan Bldg. 101
		Reagan Bldg. 103
		Reagan Bldg. 104
		Reagan Bldg. 106
10:30 a.m./Adjournment	Calendars	Speakers Committee Room
Select Committee on Revenue and Public Education Funding		E2.036
<i>at the call of the chair.</i>		